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The following document has been agreed by the UN Human Rights Commission and will be made public in Geneva today, 1 March 1995:

STATEMENT BY THE CHAIRMAN
SITUATION OF HUMAN RIGHTS IN EAST TIMOR

The Commission on Human Rights discussed the human rights situation in East Timor.

The Commission expresses its deep concern over the continuing reports of violations of human rights in East Timor, including the recently reported increased tensions and the violent incident where six people were killed. It welcomes the decision of the Indonesian Government to investigate this incident and to make public its findings.

The Commission welcomes the visit to East Timor in July 1994 by the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, and the cooperation granted to him by the Indonesian authorities. The Commission takes note with concern of his report (doc E/CN.4/1995/61/Add.1) and urges the Indonesian Government to further implement its undertakings to promote human rights in East Timor, and those contained in the consensus Chairman's Statements as its 48th and 50th sessions.

A matter of preoccupation to the Commission is the incomplete information concerning the number of people killed and the persons still unaccounted for as a result of the Dili violent incident on 12 November 1991. While acknowledging the efforts made to account for those peoples, the Commission calls upon the Government of Indonesia to continue its investigation on those missing and the circumstances surrounding the matter.

The Commission expresses the hope that the cooperation between the ICRC and the Government of Indonesia will continue. It calls upon the Indonesian authorities to ensure that all those in custody are treated humanely and their rights fully respected, and to take further appropriate measures aimed at the early release of those convicted.

The Commission recognises the greater access granted by the Indonesian authorities to East Timor and calls upon them to continue this policy including the granting of access to human rights and humanitarian organisations and international media.

The Commission welcomes the undertaking by the Government of Indonesia to invite the High Commissioner for Human Rights to visit East Timor in 1995 and to submit his report to the Commission at its 52nd session. The Commission further takes note of the intention of the Government of Indonesia to continue to cooperate with the relevant thematic Special Rapporteurs and/or Working Groups of the Commission on Human Rights, and to invite them, taking into consideration their requests to visit East Timor when necessary for the fulfilment of their duties.

The Commission welcomes the result of the fifth round of meetings of the Foreign Ministers of Indonesia and Portugal held under the auspices of the UN Secretary-General on 9 January 1995 in Geneva and encourages the Secretary-General to continue his good offices in order to achieve a just, comprehensive and internationally acceptable settlement to the question of East Timor. In this context, the Commission stresses the importance of continuing the efforts to promote confidence-building measures between the two governments, The Commission welcomes the Secretary-General's intention, as expresses in his statement of 9 January 1995, to facilitate and offer the necessary arrangements for the convening of an all inclusive intra-East Timorese dialogue.

The Commission requests the Secretary General to keep it informed on the situation of human rights in East Timor and will consider it at its fifty-second session.

Topic 354 Timorese Jt Statement in Geneva
tapol reg.easttimor 10:35 am Mar 1, 1995

Timorese Joint Statement in Geneva

JOINT STATEMENT BY THE MULTI-PARTY EAST TIMORESE DELEGATION TO THE 51st SESSION OF THE COMMISSION ON HUMAN RIGHTS ON THE CHAIRMAN'S STATEMENT ON THE SITUATION OF HUMAN RIGHTS IN EAST TIMOR

1. As it happened in 1994 and 1992, a Chairman's statement on the situation of the human rights in East Timor was adopted today by the CHR.

2. The abundant, credible and incontrovertible evidence on the worsening human rights situation in the occupied territory of East Timor contributed decisively to an early conclusion of the negotiations conducted by the presidency of the European Union (EU) with the Indonesian delegation.

3. The report of the Special Rapporteur on summary or arbitrary executions, the confidential reports of the EU and Canadian diplomatic missions to East Timor in January and February 1995 respectively as well as reports by the Australian and US governments point to an escalating level of violence perpetrated by the Indonesian security forces against East Timorese civilians.

4. These reports suggest a turning-point in the international community's perception that those responsible in Indonesia and East Timor have failed to live up to their undertakings to the CHR in the 1994 and 1992 Chairman's statements.

5. Unlike in the previous years when Indonesia dragged its feet in the negotiations and attempted to dilute the draft Chairman's statement, this time the Indonesian delegation faced the prospect of a strong resolution if it did not negotiate in good faith and accept several substantive provisions.

6. Indonesia has agreed to invite the High Commissioner for Human Rights to visit East Timor at an early date in 1995; the High Commissioner will report to the 52nd session; it has undertaken to invite thematic rapporteurs/working groups to visit East Timor if they so request; it has undertaken (once again) to account for the missing persons.

7. The EU, having opted for a Chairman's statement, and other members of the WEAO (West European And Others) who favoured this approach, are now under moral responsibility to ensure the full implementation by the government of Indonesia of all its commitments contained in the 1992, 1994 and 1995 Chairman's statements. It is the credibility of the EU and the WEAO and in fact of the CHR members as a whole that is at stake.

8. Not one single provision contained in the 1992 and 1994 Chairman's statements has been implemented by the Indonesian government. Quite the contrary, as it has been widely documented by UN bodies, inter-governmental institutions such as the EU, individual governments, Australia, Canada and the US, as well as by NGOs such as AI, Asia Watch and others, and the international media, the human rights situation in East Timor has deteriorated dramatically in the last 12 months. The Indonesian dictatorship, in the manner and tradition of all dictatorships, has never shown good faith or willingness to reform itself and abide by the democratic will of the people and the rule of law. Hence, the East Timorese do not have any illusions that this time the Indonesian military rulers will honour their commitments to the international community.

9. The East Timorese welcome the Chairman's statement and express the hope that the High Commissioner will visit East Timor with utmost urgency and that he will spare no effort to meet members of the East Timorese civil society, Church leaders and those held in prisons in East Timor and in Indonesia.

10. The East Timorese multi-party delegation expresses its gratitude to the Portuguese delegation for the firm and effective manner with which it articulated and advocated the views and sentiments of the East Timorese people. The East Timorese delegation also expresses its deep appreciation to the Republic of Ireland for its firm stand within the EU and in the UN in support of the legitimate rights of the East Timorese people. The East Timorese delegation expresses its gratitude to other friendly delegations, namely of Angola and Guinea-Bissau.

11. Last but not least, the East Timorese delegation expresses its deep appreciation to the NGOs, namely the Movement Contre le Racism et Pour l'Amitie enter les Peuples, Federation International de Droits de

l'Homme, Association Contre la Torture (French Section), the Indigenous World, that offered speaking rights to East Timorese eyewitnesses, and all NGOs that included the situation of human rights in East Timor in their oral and/or written interventions and reports.

Geneva, 1 March 1995

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Topic 356 KOMNAS HAM on 'unlawful killings'
tapol reg.easttimor 11:57 am Mar 1, 1995

KOMNAS HAM on "unlawful killings"

Source: AFP
Date: 1 March 1995
Dateline: Jakarta
Abridged

Indonesian soldiers tortured and killed six unarmed East Timorese whose deaths in January set off new tension in the territory, a govt-appointed human rights commission said Wednesday.

"The shooting in East Timor's Liquisa regency on 12 January also heightened international concern at Indonesia's actions in the former Portuguese colony.

And at the same time as the Indonesian National Commission on Human Rights (KOMNAS HAM) gave details of its investigation, the government was criticising a UN report into the 1991 massacre in East Timor presented earlier this year.

The KOMNAS HAM contradicted the military's account that troops had shot dead two separatist guerrillas and four members of a pro-independence clandestine network in Gariana village. Speaking of the two-week inquiry, Ali Said, the commission chairman, said "six-non-combatant civilians" were "shot unlawfully" by the military.

He said the commission had concluded "there were acts of intimidation and torture by the security apparatus who had been given the task at the time to subtract confessions from the six said people."

East Timor sources, including one close to the Catholic Church, said the six were killed in retaliation for the deaths of soldiers in the village on the previous day. Witnesses said there had been a clash with guerrillas on 11 January.

The chairman and other members of the commission declined to give more details on the shootings or the claimed intimidation and torture. They said a full report was still being prepared to give to the authorities.

"This incident took place as a result of actions that deviated from the orders issued, by members of the area security patrol," said the commission chairman. He added that the commission "deeply deplore" the incident which "in its essence, is a violation of human rights."

Commission member Marzuki Darusman, said "the six civilians were unarmed". He added that human rights violations had occurred "before, during and after the incident".

The commission, according to Marzuki, did not find "conclusive evidence" that the six were anti-government or members of separatist groups. He said the inquiry also found "there was an attitude of recklessness by the soldiers, endangering the lives of the civilians". "We will have to report our findings to the government for further action," Marzuki said. But he added that further investigation by the authorities and the military were needed to get at "the whole story".